1 2 UNITED STATES DISTRICT COURT 3 DISTRICT OF NEVADA 4 * * * 5 6 CHARLES CASTON, 7 Plaintiff(s), 2:08-cv-0059-RLH-PAL 8 ORDER VS. 9 SHAQUEL ONEAL, et al., 10 Defendant(s). 11 12 Before this Court is the Report of Findings and Recommendation of United States 13 Magistrate Judge (#4, filed January 30, 2009), entered by the Honorable Peggy A. Leen, regarding 14 Plaintiff's failure to state a claim or file an amended complaint. No objection was filed to Magistrate 15 Judge Leen's Report of Findings and Recommendation of United States Magistrate Judge in 16 accordance with Local Rule IB 3-2 of the Rules of Practice of the United States District Court for 17 the District of Nevada, and the matter was submitted for consideration. 18 The court has conducted a *de novo* review of the record in this case in accordance 19 with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report of 20 Findings and Recommendation of Magistrate Judge Leen should be accepted and adopted. 21 IT IS THEREFORE ORDERED that Magistrate Judge's Report of Findings and 22 Recommendation (#4, entered January 30, 2009) is ACCEPTED and ADOPTED, and Plaintiff's 23 case is dismissed. 24 Dated: February 20, 2009. 25 26

L. Hant